

FILED  
Clerk  
District Court

DEC 8 2006

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

JOHN (JACK) ANGELLO,

Plaintiff

v.

NORTHERN MARIANAS  
COLLEGE,

Defendant

Civil Action No. 03-0014

ORDER DENYING MOTION  
FOR STAY PENDING APPEAL  
and  
REMOVING HEARING DATE  
FROM CALENDAR

THE COURT has received pro se appellant Angello's motion for a stay pending appeal, brought pursuant to Fed.R.App.P. 8(a). In the interests of conserving the resources of the court and the parties, the court will decide the motion without the necessity of oral argument.

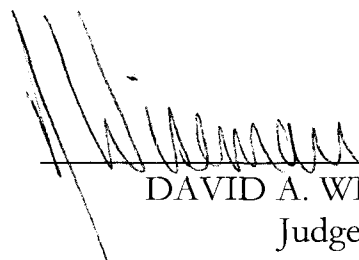
The court must balance movant's probability of success on appeal, the relative hardships to the parties (i.e. whether he would suffer irreparable injury

1 without a stay or defendant would suffer substantial injury were the motion for stay  
2 to be granted), and the public interest. *See Lopez v. Heckler*, 713 F.2d 511 (9th Cir.  
3 1984).

4  
5 The court gauges movant's probability of success on the merits as unlikely  
6 and there is no risk that he will suffer irreparable harm from having to pay for costs  
7 awarded against him in his latest failed lawsuit. The appeal does not raise serious  
8 legal questions and the balance of hardships does not tip in his favor. The hardship  
9 to defendant by not receiving payment of its costs incurred is slight, although  
10 defendant was forced to incur, and will continue to incur, significant attorney fees  
11 and costs in defending. The public interest is not implicated in any meaningful way.  
12 Accordingly, the court concludes that the balance tips sharply in favor of defendant-  
13 appellee and, accordingly, plaintiff-appellant's motion for a stay pending appeal is  
14 denied.  
15  
16  
17

18 The hearing set for January 4, 2007, is taken off-calendar.

19 DATED this 8th day of December, 2006.  
20  
21

22  
23  
24   
25 DAVID A. WISEMAN  
26 Judge